

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

IN RE: FACEBOOK, INC. CONSUMER
PRIVACY USER PROFILE LITIGATION,

This document relates to:

ALL ACTIONS

CASE NO. 3:18-MD-02843-VC

**STIPULATION AND [PROPOSED]
ORDER REGARDING RESPONSE TO
AND MOTION TO DISMISS
PLAINTIFFS' SECOND AMENDED
CONSOLIDATED COMPLAINT**

By and through their undersigned counsel, the parties hereby stipulate and agree as follows:

1. Whereas, on July 21, 2020, the Court entered Pretrial Order No. 38, granting Plaintiffs' motion to file a Second Amended Consolidated Complaint ("SACC"), ordering that any responsive pleading is due 21 days after the SACC is filed, and ordering the parties to determine whether Facebook's previously-filed answer can serve as the operative answer;

2. Whereas, on August 4, 2020, Plaintiffs filed the SACC;

3. Whereas, Facebook filed its motion to dismiss the SACC on August 25, 2020;

THE PARTIES THEREFORE STIPULATE AND AGREE AS FOLLOWS:

1. Plaintiffs will file any opposition to such a motion by September 22, 2020;

2. Facebook will file any reply in support of such a motion by October 13, 2020;

3. The Court will hold a hearing on any such motion on November 5, 2020 at 10:00, or as soon thereafter as is convenient to the Court;

4. Consistent with Federal Rule of Civil Procedure 12(a)(4)(A), within 14 days of the Court issuing an order on Facebook's motion to dismiss, Facebook will file a supplemental answer to the SACC. Facebook is required only to answer new allegations in the SACC (i.e. allegations that were not in the First Amended Consolidated Complaint or that appear in the SACC in revised form) that survive dismissal. Facebook may plead any additional affirmative defenses Facebook wishes to assert pertaining to those new allegations or any newly added parties. The supplemental answer and the answer Facebook filed on February 5, 2020 will together serve as the operative responsive pleadings;

IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

Dated: September 10, 2020

KELLER ROHRBACK LLP

By: /s/ Derek W. Loeser
Derek W. Loeser

Respectfully submitted,

BLEICHMAR FONTI & AULD LLP

By: /s/ Lesley E. Weaver
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Attorneys for Defendant Facebook, Inc.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATE: _____

United States District Judge Vince Chhabria

SIGNATURE ATTESTATION

Pursuant to Local Rule 5-1(i)(3), I attest that concurrence in the filing of this document has been obtained.

DATED: September 10, 2020

By: /s/ Lesley E. Weaver
Lesley E. Weaver

CERTIFICATE OF SERVICE

I, Lesley E. Weaver, hereby certify that on September 10, 2020, I electronically filed the foregoing with the Clerk of the United States District Court for the Northern District of California using the CM/ECF system, which shall send electronic notification to all counsel of record.

By: /s/ Lesley E. Weaver
Lesley E. Weaver